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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the Special Rapporteur on extreme poverty and human rights, Magdalena Sepúlveda Carmona

Addendum

Mission to Mozambique*,**

Summary

The Special Rapporteur on extreme poverty and human rights conducted an official visit to Mozambique from 8 to 16 April 2013. In the present report, she outlines the challenges facing Mozambique in implementing measures to tackle poverty and ensuring the human rights of those living in poverty in the country.

While the economic growth prospects of the country are excellent, the Special Rapporteur is concerned that the benefits thus far have not been widely shared, with large sectors of the population continuing to live below the poverty line. The increasing income gap between the rich and the poor, the lack of implementation of legislation and poverty reduction policies and the lingering risk of corruption all pose potential threats to stability.

The Special Rapporteur provides recommendations to ensure that relevant policies and programmes are implemented to enable those living in extreme poverty to enjoy their human rights on an equal basis with the rest of the population.

* Late submission.

** The summary of the present report is being issued in all official languages. The report, which is annexed to the summary, is being issued in the language of submission only.

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Annex

[English only]

Report of the Special Rapporteur on extreme poverty and human rights on her mission to Mozambique (8–16 April 2013)

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I. Introduction

1. At the invitation of the Government, the Special Rapporteur on extreme poverty and human rights visited Mozambique from 8 to 16 April 2013. During the visit she collected first-hand information on the situation of people living in extreme poverty as a means of conducting a human rights-based analysis of key public policies relating to poverty alleviation, development and social protection.

2. The Special Rapporteur met with the Minister for Foreign Affairs and Cooperation, the Minister for Education, the Minister for Justice, the Vice-Minister for Women and Social Action and the Vice-President of the Assembly of the Republic, along with the Parliamentary Committees for Constitutional Affairs, Rights, Freedoms and Guarantees and for Social Affairs. She also met with representatives from the Ministries of Health, of Labour and of Planning and Development, and the Governors and relevant local authorities of the Provinces of Gaza and Zambezia, including the Legal and Justice Councils.

3. The Special Rapporteur also held meetings with the National Human Rights Commission of Mozambique along with representatives of international organizations, donor agencies, financial institutions and a range of civil society organizations, as well as academics. In addition, she visited communities living in poverty in the provinces of Gaza (the cities of Xai Xai and Chibuto), Maputo City (the neighbourhoods of Xipamanine and Chamanculo) and Zambeiza (the cities of Quelimane and Nicoadala).

4. The Special Rapporteur extends her appreciation to the United Nations country team, and in particular the Office of the Resident Coordinator, for its indispensable assistance before and during the visit. She is also grateful to the other interlocutors she met, including members of civil society, for their invaluable contributions to the mission. She is especially grateful to those who took the time to share their personal experiences of struggling with the plight of extreme poverty and social exclusion in Mozambique.

II. General context

5. Following independence in 1975, Mozambique was faced with numerous, severe challenges hindering development, and a brutal civil war that ravaged the country for almost two decades. Mozambique overcame that difficult legacy to emerge as a politically stable democracy, with the Government embarking on a series of reforms that led to extraordinary progress and dramatic improvements in the economic growth rate of the country.

6. Mozambique has been ranked as one of the fastest growing economies in sub-Saharan Africa over the past two decades.[1] Recent economic growth has remained robust, despite severe flooding in early 2013.[2] With an expanding gross domestic product spurred by the extractive industries, financial services, transport and communications, and government services, the country's economy holds great promise and the Government of Mozambique has a unique opportunity to provide a better future for all Mozambicans.

[1] See International Monetary Fund (IMF), "Republic of Mozambique: Fifth review under the policy support instrument and request for modification of assessment criteria", IMF Country Report No. 13/1, 2013.

[2] IMF, "Republic of Mozambique: First review under the policy support instrument and request for modification of assessment criteria", IMF Country Report No. 14/20, 2014, p. 3.

7. Despite strong economic performance and two decades of peace and political stability, prosperity has not been inclusive. Economic growth has failed to reach the most disadvantaged in society and has not been leveraged into a significant reduction in poverty. Available data show that poverty reduction stagnated between 2002/03 and 2008/09.[3] In 2009, 54.7 per cent of the population lived below the national poverty line,[4] and Mozambique ranks 185th out of 187 countries according to the 2013 Human Development Index of the United Nations Development Programme (UNDP).[5] On the Multidimensional Poverty Index, Mozambique is ranked third for the highest headcount percentages of people in poverty (79 per cent) and is tied for the highest intensity of poverty, with about 65 per cent of the population facing deprivations in at least 33 per cent of weighted indicators in the period 2007–2011.[6]

8. During her visit the Special Rapporteur observed that as the income gap widens poverty is becoming entrenched, not only in rural areas where the majority of the population lives but also in urban centres.

9. The Special Rapporteur recognizes the significant challenges facing Mozambique in its endeavours to eradicate poverty, including the legacy of its colonial past and the war, along with current threats from natural disasters and the HIV/AIDS pandemic. She commends the important progress made in bringing the country to a new era of independence and stability, and the resulting economic growth. However, she urges the State to ensure that the political will and desire for a better future for Mozambique are reinvigorated with renewed purpose. Mozambique has enormous potential for growth and everyone in society, including those living in extreme poverty, must be allowed the opportunity to reap the benefits of prosperity.

III. Legal and institutional framework

10. In 1990, Mozambique adopted a new Constitution that for the first time introduced a multiparty political system, explicit guarantees of human rights protection, and the doctrine of the separation of powers. The Constitution was revised in 2004 and includes among its fundamental objectives: the building of a society of social justice and the achievement of material and spiritual well-being and quality of life for its citizens; the promotion of balanced economic, social and regional development in the country; and the defence and promotion of human rights and of the equality of citizens before the law.[7] International human rights obligations are also recognized as having the same force in the Mozambican legal order as legislative acts.[8]

11. Mozambique has demonstrated its commitment to the promotion and protection of human rights by ratifying important international human rights conventions, improving their implementation at the domestic level and engaging with various United Nations human rights mechanisms, including the universal periodic review process in 2011. The Special Rapporteur is concerned that Mozambique has not yet ratified the International Covenant on Economic Social and Cultural Rights and its Optional Protocol. That represents a major gap in the human rights commitment of Mozambique.

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[3] Mozambique, Ministry of Planning and Development, "Poverty and Wellbeing in Mozambique: Third National Poverty Assessment" (2010), pp. xi–xii.

[4] United Nations Development Programme (UNDP), *Human Development Report 2013* (2013), p. 160.

[5] Ibid., p. 143.

[6] Ibid., p. 27.

[7] Constitution of the Republic of Mozambique, art. 11.

[8] Ibid., art. 18.

12. The Constitution encompasses the right to equality and states that no discrimination shall be permitted on legislative, political, economic or social grounds.[9] Explicit protection is provided on the basis of colour, race, sex, ethnic origin, place of birth, religion, level of education, social position, the marital status of one's parents, profession or political preference. However, sexual orientation is not addressed as a prohibited ground for discrimination. The Special Rapporteur noted the call of the newly established National Human Rights Commission to incorporate into the Constitution a prohibition of discrimination on the grounds of sexual orientation.[10]

13. Mozambique has introduced policies and strategies aimed at achieving inclusive economic growth and poverty reduction, such as the Action Plan for the Reduction of Absolute Poverty (PARPA II) 2006–2009, and the Poverty Reduction Action Plan (PARP) 2011–2014. The Special Rapporteur is disappointed, however, by the findings of independent evaluations carried out in 2009 after PARPA II had been in operation for three years, indicating that less than 50 per cent of the objectives had been reached.[11]

14. The Special Rapporteur commends the establishment of the National Human Rights Commission and believes it will play an essential role in fortifying the commitment of Mozambique to guaranteeing respect for human rights and fundamental freedoms. She hopes that the Commission ensures that economic, social and cultural rights are included in its institutional mandate.

IV. General challenges

A. Corruption

15. Mozambique has introduced important reforms in recent years as a means of tackling corruption, including the ratification of the United Nations Convention against Corruption in 2008, the adoption of an anti-corruption package in November 2011 and the establishment of an ethics commission in January 2013. Good governance and the fight against corruption are also highlighted in PARPA II as key pillars in reducing poverty. Despite those commendable efforts, corruption is perceived to be rampant in Mozambique, as reflected in its ranking on the 2012 Corruption Perceptions Index of Transparency International: 123rd out of 182 countries.[12]

16. The Special Rapporteur was disappointed to learn that, despite donor pressure to enhance transparency and accountability, corruption continues to blight the country's administration, aided by gaps in the current legal framework.

17. While recognizing the steps taken by Mozambique to tackle corruption, the Special Rapporteur wishes to emphasize that corruption seriously undermines the State's capacity to fulfil human rights obligations, with a disproportionate impact on those living in poverty. The Special Rapporteur notes the effectiveness of zero-tolerance policies in ensuring transparency and accountability at all levels. Given the large investment projects in the

[9] Articles 35 and 39, respectively.

[10] Richard Lee, "Push for LGBTI rights in Moz Constitution", Open Society Initiative for Southern Africa, 16 May 2013. Available from www.osisa.org/law/mozambique/push-lgbti-rights-moz-constitution.

[11] "Mozambique: an irresponsible administration", in Social Watch, *Report 2012 – Sustainable Development: The Right to a Future*, p. 143.

[12] http://cpi.transparency.org/cpi2012/results/.

country, particularly in the extractive industries and mining sector, such steps may be necessary to ensure that the benefits of development are not diverted through illegal means.

B. Environmental issues

18. In the past 35 years, Mozambique has experienced more than 35 extreme weather and flooding events. Those events have had significant impacts on the population, exacerbated by widespread deep poverty and a lack of resilience.[13] Floods and cyclones have caused damage to infrastructure,[14] homes, and public buildings accommodating essential services.

19. The cumulative effects of recurrent extreme weather events and the associated costs of recovery measures have the potential to increase poverty, particularly in rural areas where the great majority of those living in poverty reside and where dependence on subsistence agriculture increases vulnerability to food insecurity. Droughts also have a disproportionate impact on residents of rural areas, forcing people to walk long distances in search of water for drinking and domestic purposes and increasing the number of children, in particular girls, who drop out of school to help support family livelihood activities.

C. Land rights, resettlement and displacement

20. Mozambique has also witnessed a dramatic change in its environmental landscape over recent years due to the increasing number of mining projects. The government mining registry, published in October 2012, indicates that at least 245 mining concessions and exploration licences were approved in Tete Provin alone.[15] The Special Rapporteur received information about the negative impact that some of those projects have had on communities living in the surrounding areas, including restrictions on access to land and natural resources.

21. The displacement of communities in order to make way for infrastructure or development projects potentially violates several human rights. A regulation to govern the process of resettlement resulting from economic activities was approved through Decree 31/2012 (appended to the Law on Territorial Planning of 2007). Despite those efforts to protect the rights of the displaced, reports suggest that the provision of poor quality agricultural land and inconsistent access to water have compromised the rights to food, water and work in many communities.[16] In addition, many agricultural families historically relying on farm plots for survival are confronted with new costs in paying for food, and additional unexpected expenses, such as paying for piped water.[17]

22. The Special Rapporteur is particularly concerned about reports that some megaprojects have led to so-called land grabbing, whereby large areas of land are bought up from smallholder farmers by mining companies, allegedly with the approval of the State, leading to forced displacement and destroyed livelihoods.[18]

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[13] Food and Agriculture Organization of the United Nations (FAO), *Adaption to Climate Change in Semi-Arid Environments: Experience and Lessons from Mozambique* (Rome, 2012), p. 2.

[14] Ibid.

[15] Human Rights Watch, *What Is a House without Food?* (2013), p. 6.

[16] Ibid., p. 5

[17] Ibid., p. 17.

[18] See for example GRAIN, "Leaked ProSAVANA Master plan confirms worst fears", available from www.grain.org/article/entries/4703-leaked-prosavana-master-plan-confirms-worst-fears.

V. Situation of groups particularly vulnerable to poverty

A. Women

23. As a party to the Convention on the Elimination of All Forms of Discrimination against Women and its Optional Protocol, Mozambique has committed itself to promoting women's rights. Since independence there has been considerable progress in women's participation in decision-making at the national level, with women constituting 39 per cent of Parliament.[19] Progress has also been made at the executive and legislative levels, with Mozambique ranking second among African countries on the Global Gender Gap Index 2012 in relation to the political empowerment of women.[20] It should be noted that women remain underrepresented at the provincial and district levels.

24. Despite the gains made in political representation, social indicators demonstrate that women are lagging behind men in most social and economic measures. For example, Mozambique was ranked 125th in the UNDP Gender Inequality Index for 2013.[21] A deeply embedded patriarchal sociocultural order, along with a lack of implementation of laws and policies at the institutional level, has hindered significant and measurable progress towards gender equality. The Special Rapporteur was struck by the testimonies of women, from all spectrums of society, about the endemic structural gender discrimination that they experience.

25. Women in rural communities are particularly disadvantaged. The female labour force is heavily concentrated in agriculture, with 94 per cent of economically active women working in the farming industry.[22] Studies indicate that the number of female-headed households is increasing and that those households represent an increasing proportion of the poorest sections of the population. The feminization of poverty is in part due to the fact that, while more women are more involved in the agricultural sector than men, men are the principal owners of land. The Special Rapporteur observed that women in Mozambique have little control over or access to productive resources, and they are typically prevented from participating equally at the decision-making level, often being unaware of their legal rights, such as property and inheritance rights. Moreover, the bulk of unpaid care work, such as cooking, childcare and fetching water and fuel, is carried out by women and girls, with severe implications for their enjoyment of rights (see A/68/293).

26. Migration as a result of natural disasters has also had a differential impact on women, particularly those living in rural areas. Following the devastating floods of 2010, for example, many men were forced to migrate to either South Africa or larger cities in Mozambique in search of alternative employment, leaving women in charge of the household for long periods. Women in those situations not only have to deal with an increased workload, but also the social and emotional consequences that accompany post-disaster situations, including the loss of loved ones, disease and scarcity of food and water.[23]

27. Limited access to basic social services, including health care and education, is a major obstacle to women's enjoyment of rights. Despite significant progress, maternal

[19] World Bank, Proportion of seats held by women in national parliaments, figures for 2012. Available from http://data.worldbank.org/indicator/SG.GEN.PARL.ZS.

[20] World Economic Forum, *The Global Gender Gap Report 2012*, p. 16.

[21] UNDP, *Human Development Report 2013*, p. 159.

[22] FAO, *The State of Food and Agriculture: Women in Agriculture, Closing the Gender Gap for Development* (2011), p. 104.

[23] FAO, *Adaptation to Climate Change*, p. 27.

mortality is high, particularly in rural areas where the great majority of women have no access to quality care or specialized health professionals (including maternal and infant health nurses).[24]

28. While the Special Rapporteur recognizes the State's investment in girls' education, significant challenges remain.[25] Sexual abuse from teachers and male students, along with an inadequate quality of instruction, lead to high failure and dropout rates, with only 74.4 per cent of girls completing primary education.[26] Owing to structural discrimination, only 47.2 per cent of women in Mozambique are literate (only 31.3 per cent in rural areas).[27] As a result, they have fewer opportunities for formal or informal employment and are obstructed from overcoming poverty and improving their enjoyment of rights.

29. The structural discrimination against women is also reflected in the higher prevalence of HIV/AIDS among women, who account for more than half the adult population living with the disease. Women are more vulnerable to infection because they often lack the power or status to choose their partners, or to insist on safe sex. Girls and young women are particularly vulnerable. As a result of stigma and discrimination, women with HIV/AIDS are often expelled from their homes by their husband or family, leaving them highly vulnerable to extreme poverty and destitution.[28]

30. Gender-based violence remains a serious problem in the country.[29] Despite the establishment of a political and legal framework to address the issue, including a law against domestic violence (2009), as well as the establishment of specialized police services and a referral system offering assistance to victims, the Special Rapporteur is concerned about the lack of effective implementation.

B. Children

31. Children, who numbered 11.8 million according to the 2007 census, make up more than half of the Mozambican population. By ratifying the Convention on the Rights of the Child in 1994, Mozambique committed itself to guaranteeing their rights without discrimination of any kind. While important steps have been taken to adopt legislative and other measures to protect children, more must be done to ensure that the rights enshrined in existing legislation become reality. Poverty continues to affect millions of children in Mozambique, with almost half of children experiencing severe deprivation.[30]

32. The Special Rapporteur recognizes the improvements over recent years: fewer children die before reaching the age of 5 and more children are enrolled in school, have access to health services and are protected from abuse.[31] However, she is concerned that striking disparities remain in the country, with children in rural areas and the central and

[24] Mozambique, Ministry of Planning and Development, *Report on the Millennium Development Goals* (2010), pp. 35-37 and 67.

[25] Ibid., p. 38.

[26] United Nations Mozambique, *Child Poverty and Disparities in Mozambique 2010: Summary Report* (United Nations Children's Fund (UNICEF)), p. 24; Mozambique, *Report on the Millennium Development Goals*, p. 40.

[27] Mozambique, *Report on the Millennium Development Goals*, p. 45.

[28] Lauren Hendricks and Patrick Meagher, "Women's property rights and inheritance in Mozambique: report of research and fieldwork", CARE Economic Development Unit Learning Series No. 1 (2012), p. 2.

[29] United Nations Mozambique, *Child Poverty* (summary), p. 24.

[30] Ibid., p. 5.

[31] Ibid., pp. 3 and 9.

northern provinces faring worse than their urban counterparts. Inadequate access to clean water and sanitation facilities and medical services, along with high levels of undernutrition, results in one of the highest rates of stunting in the world (44 per cent of children under 5 years of age).[32] The Special Rapporteur is encouraged by the Government's current five-year plan, which includes an indicator on stunting and calls for the drafting of a multisectoral action plan to reduce chronic undernutrition.

33. The effect of HIV/AIDS on children is devastating, with an estimated 19,000 child deaths due to AIDS in 2008[33] and 180,000 children under 14 living with HIV.[34] The number of orphans and vulnerable children in Mozambique whose situations are due to HIV/AIDS is estimated to be 740,000.[35] Those children are vulnerable to abuse, neglect and exploitation and have limited prospects, given that they may have to stay at home to care for siblings, are less likely to enrol in school and may be more susceptible to early sexual activity, leaving them at an increased risk of being infected by HIV themselves. Children orphaned by HIV/AIDS, or who are living with sick or dying parents, often suffer discrimination at the societal and community levels, but also within their own extended families.[36]

34. Mozambique has one of the highest rates of child marriage in the world, with 38 per cent of girls 15 to 19 years old being mothers or pregnant in 2011.[37] Data from 2008 demonstrates that 18 per cent of girls aged 20 to 24 were married by age 15, while 52 per cent of them were married before the age of 18.[38] Those girls have little or no access to information on reproductive health, leaving them vulnerable to adolescent pregnancy and sexually transmitted diseases, including HIV/AIDS. Child marriage and adolescent pregnancy also result in low secondary school enrolment and completion rates for girls.[39]

35. The Special Rapporteur commends the progress made in guaranteeing the right of children to education, but significant deficiencies still exist, particularly in relation to secondary education. Reports indicate that only 20 per cent of children aged 13 to 17 attend secondary school.[40] Girls are also more likely to experience educational deprivation than boys, due to various reasons, including child marriage, teenage pregnancy and sexual abuse within the school environment.[41] Despite progress, the number of schools is still inadequate, and in several parts of the country infrastructure is still lacking. The low quality of education, particularly in rural provinces, is of particular concern and poor, rural children are less likely to complete primary education.[42]

36. The prevalence of violence, sexual abuse and harassment within the school environment has had a shattering effect on the lives of many children. Alarmingly, in one survey, 70 per cent of girl respondents reported that some teachers use sexual intercourse as

[32] Ibid., p. 9.
[33] Ibid., p. 30.
[34] Joint United Nations Programme on HIV/AIDS (UNAIDS), HIV and AIDS estimates: Mozambique. Available from www.unaids.org/en/regionscountries/countries/mozambique/.
[35] Ibid.
[36] Mozambique, National AIDS Council, *2012 Global AIDS Response Progress Report*, pp. 107–108.
[37] Mozambique, National Statistics Institute and Ministry of Health, *Inquérito Demográfico e de Saúde 2011* (2013), p. 83.
[38] Mozambique, National Statistics Institute, "Final report of the Multiple Indicator Cluster Survey, 2008", pp. 106–108.
[39] Louise Fox and others, *Education Reform in Mozambique: Lessons and Challenges* (World Bank, 2012), pp. 38 and 77–78.
[40] UNICEF input on Mozambique for the universal periodic review, 2011, p. 5.
[41] United Nations Mozambique, *Child Poverty* (summary), pp. 19–22.
[42] Ibid., p. 18.

a condition for promotion between grades, and 50 per cent stated that they faced sexual abuse from teachers or boys in their peer groups.[43] Often those crimes go unpunished, as girls are unwilling to report abuse or are prevented from doing so by fear of retribution. In addition, the decision of parents to send their daughters to school is greatly influenced by this phenomenon, reducing the future prospects for girls. While the Special Rapporteur is encouraged by an increase in reporting and the Government's zero tolerance policy, she is concerned at the apparently increasing prevalence of such abuse.[44] More must be done to hold perpetrators accountable and ensure the right of girls to enjoy an education without violence, harassment or fear.

37. The Special Rapporteur is concerned at reports that girls are often forced to move to night schools when they become pregnant,[45] and at order (*despacho*) 39/GM/2003, issued in 2003 by the Ministry of Education, which prohibits pregnant girls from attending day classes. Those measures aggravate the stigma they experience and have a detrimental impact on their ability to complete their education.[46]

C. Older persons

38. A total of 5 per cent of the Mozambican population is above the age of 60, giving it the third-largest older population in Southern Africa.[47] The Special Rapporteur welcomes the recent Law on the Promotion and Protection of Older People's Rights (2013) and encourages the State to take immediate steps to implement the measures set out in the legislation as a matter of priority.

39. Immediate measures must be taken to support older persons caring for orphaned children. They often live in extremely precarious circumstances, dealing with their own health concerns (8.5 per cent of people between 50 and 65 years old in Mozambique are HIV-positive)[48] but also having to provide and care for children. Older people, in particular women, lack sufficient income to support themselves and their dependents, and small measures can make a big difference to their quality of life. The provision of adequate nutrition or transportation costs to the nearest health centre, for example, would greatly improve their situation. Many older persons are illiterate and have limited alternative means of income. The Special Rapporteur encourages an expanded emphasis on integrating older persons into adult literacy programmes.

40. The Special Rapporteur was informed that older women are often left to survive in situations of poverty, isolated from the community and stigmatized as a result of cultural beliefs and accusations of witchcraft. Older women who have lost their husband tend to be excluded from the extended family and are considered a burden on the community.[49]

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[43] Ibid., p. 24.

[44] The number of cases rose from 3,500 in 2005 to 7,000 in 2012. Source: Ministry of the Interior, 2005–2012.

[45] Francesca Salvi, "Millennium Development Goals' Perverse Effects: Bridging the Gender Gap in Education in Mozambique", British Association for International and Comparative Education website. Available from http://baice.ac.uk/2014/millennium-development-goals-perverse-effects-bridging-the-gender-gap-in-education-in-mozambique/.

[46] M. Justiniano and others, "Multifaceted challenges: a study on the barriers to girls' education, Zambezia Province" (Maputo, 2005), p. 22.

[47] Institute of Social and Economic Studies, "Population ageing in Mozambique: threat or opportunity?", presentation at the Week of Social Protection, Maputo, 18–22 June 2011.

[48] HelpAge International, *Strengthening the Response: Older People in the Response to HIV and AIDS in Mozambique* (Tete, 2010), p. 3.

[49] Carmeliza Rosário, Inge Tvedten and Margarida Paulo, *"Mucupuki": Social Relations of Rural-*

Reports suggest that the practice by which the extended family expropriates household property from the widow continues to affect many women, who are forced to take a subordinate position within the family circle after losing their property.[50] With 95 per cent illiteracy rates and a lack of education, financial capacity or legal empowerment, those women do not have the resources to defend their tenure.[51]

41. The right to health remains unrealized for many of the most marginalized older women and men. Older people in Mozambique are legally exempted from paying for medication at health centres. However, reports suggest that the exemption is often not honoured, with 86 per cent of older people in Gaza Province paying a consultation fee, and 85 per cent paying for medication when visiting health centres.[52]

42. The Special Rapporteur recognizes the significant advances that have been made in establishing a social assistance programme to benefit older persons through the Programa de Subsídio Social Básico. She remains concerned that Mozambique does not have a social pension programme offering extensive coverage or a dignified standard of living to older persons. While the efforts of the Government to expand and improve the programme by establishing transparent and accountable systems are commendable, capacity must be strengthened to implement the programme and ensure that the benefits are at least sufficient to cover the basic needs of families receiving it. Mozambicans must not face old age without the guarantee of a minimum income, vulnerable to poverty and marginalization.

D. Persons with disabilities

43. Mozambique ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol in 2012, a move the Special Rapporteur applauds. It is estimated that persons with disabilities in Mozambique represent 9.9 per cent of the population.[53] Efforts to improve living conditions for persons with disabilities include the National Plan of Action on Disability (2006–2010) and the Plan of Action for Orphaned and Vulnerable Children.

44. Despite those efforts, the Special Rapporteur notes that the living conditions of people with disabilities are generally much more precarious than those of the rest of the population. The 1997 Census found that 80 per cent of disabled people lived in rural areas, where their situation is compounded by a lack of physical and economic access to basic services, such as medical care and education,[54] and long waiting periods for treatment.[55] Moreover, persons with disabilities suffer from considerable discrimination and stigmatization,[56] often facing scorn and contempt from their fellow citizens.[57]

Urban Poverty in Central Mozambique (Chr. Michelsen Institute, 2008), p. 57.

[50] Hendricks and Meagher, "Women's property rights", p. 2.

[51] HelpAge USA, "Security of tenure for older women", p. 1.

[52] HelpAge International, "The right to health in old age: unavailable, inaccessible and unacceptable" (2011), second page.

[53] Leonard Cheshire Disability and Inclusive Development Centre, "Disability policy audit in Namibia, Swaziland, Malawi and Mozambique" (2008), p. 81.

[54] Ibid.

[55] Kerry Selvester and others, "*Transforming Cash Transfers: Beneficiary and Community Perspectives of the Basic Social Subsidy Programme in Mozambique*" (2012), p. 33.

[56] Leonard Cheshire Disability and Inclusive Development Centre, "Disability policy audit", p. 14.

[57] Assistance Network for Landmine Victims (RAVIM) and Handicap International Mozambique, *People with Disabilities in the Suburban Areas of Maputo and Matola* (2010), p. 30.

45. Children with disabilities are of particular concern as societal attitudes, often based on traditional beliefs, result in the majority of them being kept hidden behind closed doors.[58] A lack of teaching professionals for children with special needs, along with limited resources, prevents children with disabilities from accessing basic education and integrating into society.[59] The Special Rapporteur is concerned about the lack of a robust effort by the Ministry of Women and Social Action to ensure that children with disabilities are integrated into preschool activities and that they are covered by social protection measures, to encourage their assimilation into society.

46. Heightened risk factors, combined with major problems in gaining access to prevention and screening services and an extremely low level of awareness, make persons with disabilities particularly vulnerable to contracting HIV/AIDS.[60] One study found that 57 per cent of disabled persons interviewed in Maputo and Sofala were at risk of contracting HIV/AIDS, while 84 per cent did not know what it was.[61] Such is the discrimination faced by disabled people in Mozambique that many are reluctant to take HIV tests for fear that testing positive would expose them to a secondary stigma, thus creating additional barriers to their already limited access to essential services.[62]

VI. Challenges to the enjoyment of specific rights by those living in poverty

A. Right to health

47. Following the end of the war in 1992, Mozambique introduced the Health Sector Reform Programme, aimed at providing access to good quality health care for everyone, with strong investment from the State and external donors providing budgetary support.[63] The Special Rapporteur is concerned at reports suggesting that there was a decrease in the financial resources allocated to the health sector from 13.4 per cent in 2006 to 8.4 per cent in 2010.[64]

48. While there has been considerable progress in improving access to health services, Mozambique faces major public health challenges. The overall health status of the population remains lower on average than that of other countries in the region and significantly below international standards.[65] High maternal and infant mortality rates, the prevalence of communicable diseases, including HIV/AIDS and malaria, and high levels of chronic malnutrition have resulted in an average life expectancy at birth of 53 years.[66]

49. Gender, socioeconomic status and geographic location all influence access to good quality health care, with poor households experiencing the most obstacles.[67] In 2011,

[58] Ibid., pp. 28–30.
[59] Ibid., p. 51.
[60] Disability and Development Partners, "Disability and HIV and AIDS in Mozambique" (2008), pp. 23–24.
[61] Leonard Cheshire Disability and Inclusive Development Centre, "Disability policy audit", p. 84.
[62] Disability and Development Partners, "Disability and HIV", p. 21.
[63] Including PARPA II and PARP (2011–2014).
[64] United Nations Mozambique, *Child Poverty and Disparities in Mozambique 2010* (full report) (UNICEF, 2010), p. 78.
[65] Muriel Visser-Valfrey and Mariam Bibi Umarji, "Sector budget support in practice: Mozambique health sector case study" (Overseas Development Institute, 2010), p. 18.
[66] World Health Organization, *World Health Statistics 2013*, p. 54.
[67] United Nations Mozambique, *Child Poverty* (full report), p. 3.

89.5 per cent of women in the upper wealth quintile gave birth in a health facility attended by skilled personnel, compared to 31.5 per cent of women in the lowest quintile.[68] Similarly, reports suggest that wealthier children are more likely to receive treatment for certain illnesses (such as acute respiratory infections) than those from rural areas, poor families or families in which mothers had no education.[69]

50. The Special Rapporteur is particularly concerned about the situation facing rural women as regards access to sexual and reproductive health care. High maternal mortality and morbidity is a product of structural discrimination against women and denial of their human rights, including sexual and reproductive health rights. During the visit, the Special Rapporteur witnessed the obstacles that women face in gaining access to adequate antenatal, delivery and postnatal care, as well as the inadequacies of some of the local health-care centres. During her interviews with women, lack of transportation and having to walk long distances to health centres, out-of pocket costs and perceived bad quality of care were highlighted as factors that discouraged them from accessing health-care facilities.

51. Such experiences are reflected in data which show that 43 per cent of maternal deaths occur during delivery or within 24 hours after delivery, while in the primary-level health units, death occurs with greater frequency in the first two hours after the woman's admission, indicating bad conditions at the centres and the fact that many women arrive too late for early intervention.[70] The lack of equitable distribution of health-care facilities, goods and services and their unavailability in rural and remote areas are a particular concern, in particular with respect to the lack of available and physically accessible emergency obstetric care for most women.

52. Despite the introduction of the Family Planning and Contraception Strategy in 2011, and a contraceptive prevalence rate (the percentage of women who are using, or whose partner is using, a contraceptive method) that has virtually tripled in the last 20 years,[71] less than a fifth of the female population in Mozambique uses contraception.[72] Women living in poverty have limited access to contraception and family planning.[73] Just 5 per cent of women with no education use modern contraceptive methods, compared to 47 per cent of women with secondary education or higher. Only 7 per cent of women in rural areas use contraception.[74] Despite those stark variations, efforts to bring reproductive health information and services to the rural population are few. Goods and services related to sexual and reproductive health continue to be viewed as commodities to be allocated by the market or as charity, rather than as fundamental rights.

53. Cultural factors and taboos play a significant role in determining the relationship between sexual and reproductive health and human rights. For example, although the law provides for the freedom to receive health-care services from any source, in practice many women need permission from their husbands or another relative before seeking treatment.[75] The State has a role to play in bridging cultural and economic divides to provide comprehensive reproductive education, ensuring access to affordable and accessible contraception and eliminating gender norms that increase the likelihood of early pregnancy, sexual violence and transactional sex.

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[68] Ibid., p. 69.

[69] Ibid., p. 73.

[70] Mozambique, *Report on the Millennium Development Goals*, p. 60.

[71] African Union and others, *Assessing Progress in Africa toward the Millennium Development Goals: MDG Report 2012* (Economic Commission for Africa, 2012), p. 74.

[72] World Bank, "Reproductive health at a glance: Mozambique" (2011), second page.

[73] African Union and others, *Assessing Progress*, p. 75.

[74] World Bank, "Reproductive health", second page.

[75] CEDAW/C/MOZ/1-2, p. 44.

54. The considerable knowledge-behaviour gap in terms of condom use for HIV prevention has undermined the fight against HIV/AIDS.[76] While there has been progress since 2003, when only 53 per cent of women were aware of condom use as a method of HIV prevention, there was a significant reduction in the availability of condoms in the country between 2009 and 2011.[77] Reports suggest that this is a result of reduced demand, weak distribution systems and a reduction in the availability of funds.[78] Traditional and cultural norms perpetuate the non-use of condoms, as well as women's lack of power to negotiate safe sex, transactional sex and intergenerational sex.

55. The Special Rapporteur is concerned about the availability of HIV tests, as well as the limited access to and coverage of antiretroviral treatment, particularly for children.[79] During the mission, the Special Rapporteur visited a rural health clinic and witnessed the limited equipment available for carrying out tests for HIV. She was also informed that many patients have to walk long distances in order to reach the clinic and receive treatment.

56. During her visit, the Special Rapporteur met with a group of young people who work on a voluntary basis to raise awareness of sexual and reproductive rights among their peers. She was extremely impressed by their dedication, but finds it unfortunate that the State has not done more to implement nationwide awareness-raising campaigns on sexual and reproductive health.

B. Right to access to justice

57. Access to justice is a fundamental right and essential for the protection and promotion of all civil, cultural, economic, political and social rights (see A/67/278). Mozambique has an obligation to ensure that conditions are in place for all persons to have access to justice, irrespective of their level of education, economic situation or social status. In recent years a number of initiatives have been taken by the State to improve access to justice, including the establishment of the Legal Aid Institute (IPAJ), which provides free legal assistance to economically disadvantaged citizens.[80] The Ministry of Justice has also been promoting a policy to construct palaces of justice at the district level, which will house the offices of the District Prosecutor, the Criminal Police, the court and IPAJ under the same roof.

58. Despite those efforts, access to justice remains a significant problem, particularly for vulnerable groups.[81] Those living in rural areas are especially disadvantaged, as judicial officials in those areas have limited resources and little or no means of community outreach, in part owing to bad infrastructure. Generally, formal procedures are lengthy and costly, and the judicial system is also reportedly beleaguered by corruption.[82] As a result, many citizens continue to rely on alternative informal or traditional mechanisms of dispute resolution,[83] which may not conform to human rights standards or constitutional principles. The Government recognizes that the justice system currently remains inaccessible to

[76] World Bank, "Reproductive health", third page.
[77] Mozambique, *2012 Global AIDS Response*, pp. 97 and 99.
[78] Ibid., p. 99.
[79] Ibid., p. 23.
[80] IPAJ officials and legal and paralegal personnel are present in 120 of the 128 districts; a plan was established with a view to expanding coverage to the entire territory by the end of 2013.
[81] A/HRC/WG.6/10/MOZ/2, para. 43.
[82] Thea Hilhorst and Nicolas Porchet, "Food security and land governance fact sheet: Mozambique", Land Governance for Equitable and Sustainable Development and the Royal Tropical Institute, p. 5.
[83] Ibid., p. 9.

substantial parts of the population and has committed itself to strengthening the capacity and accessibility of the formal justice system.

59. The Special Rapporteur welcomes the adoption of the Juvenile Justice Law of 2009, which places the age of criminal responsibility at 16 years; however, it seems that much remains to be done to ensure the full compliance of the juvenile justice system with international human rights standards. Young detainees are regularly detained in adult prisons even though the law stipulates that they should be placed in separate detention facilities.[84] Although juvenile criminal suspects may be legally detained for a maximum of 30 days,[85] the Special Rapporteur learned during her visit that they are often detained for much longer. Currently there are no functioning juvenile detention centres for children awaiting trial or otherwise in conflict with the law.[86] Some progress has been made, however, through the introduction of a children's section in courtrooms in three provinces in the country.

C. Right to adequate housing and access to land

60. The right to access to land is essential for reducing poverty in Mozambique, given that 61 per cent of the population live in rural areas and depend principally on subsistence farming for a living.[87] The Special Rapporteur commends the efforts made by the State to introduce a legal framework governing land distribution. Indeed, the Land Law of 1997 (Law 19/97) has been lauded as one of the most progressive and gender-sensitive in the region.[88]

61. While the intention of the Land Law should be commended, implementation has been slow and largely ineffective. A lack of capacity at the State level,[89] a general lack of awareness of rights and participation at the community level and failure by local government and prospective land developers to recognize the extent of community land holdings have resulted in frequent land disputes or other tensions.[90] Land disputes in rural areas are particularly common where traditional territory may be infringed upon as a result of concessions granted to developers.[91]

62. According to article 100 of the Constitution, the State owns all land in Mozambique. The Land Law recognizes the right to use land, known by the Portuguese acronym DUAT.[92] Most rural land is held by communities, which have perpetual DUATs based on their traditional occupancy.

63. Land has not necessarily been distributed in compliance with human rights principles and decisions on land ownership often discriminate against disadvantaged

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[84] United Nations Mozambique, *Child Poverty* (full report), p. 149.

[85] Ibid.

[86] Ibid.

[87] FAO, *The State of Food and Agriculture*, pp. 90 and 111.

[88] Randi Kaarhus with Selma Martins, *How to Support Women's Land Rights in Mozambique?* (Oslo, Norwegian Agency for Development Cooperation, 2012), p. 4.

[89] Hilhorst and Porchet, "Food Security", p. 1.

[90] Ibid.

[91] United States Agency for International Development (USAID), "Property rights and resource governance: Mozambique" (2011), p. 11.

[92] *Direito de uso e aproveitamento dos terras* (right to use and profit from the land). That right is obtained through: (a) occupancy of land according to customary norms and practices; or (b) good faith occupation of land for 10 years.

groups.[93] Women are particularly vulnerable, despite the provisions in the 1997 Land Law enshrining women's right to participate in all land-related decisions and the right to register DUATs individually. Often unaware of their legal rights, women are constrained by customary norms that continue to limit their social and economic rights, including access to land and secure tenure.[94] The chapter on succession in the Portuguese Civil Code of 1966 continues to be applied in court cases, favouring the inheritance rights of men over women.[95]

64. In the majority of communities, men control land rights and women are only able to gain access to land through men, often via community-based committees. However, women often have limited access to the committees because they have no identity documents.[96] Many women feel powerless to oppose male relatives in such situations, given discriminatory sociocultural norms.[97] The phenomenon is not limited to rural communities; studies show that women in urban areas suffer similar obstacles to and violations of their property rights.[98]

65. While the Constitution recognizes the right to housing, the issue of adequate quality and quantity of housing remains a concern (A/HRC/WG.6/10/MOZ/2, para. 67). The demand for housing in Mozambique is increasing, with migration to urban areas putting pressure on resources. Three quarters of urban dwellers are regarded as informal settlers,[99] and most do not know that they must register land transactions, a cumbersome and costly process.[100] Formal access to land is out of reach for the majority, with the urban poor who inhabit the outskirts of the cities depending on subsistence agriculture or informal employment.[101]

66. The Special Rapporteur met with families living in rural areas and in informal settlements in Maputo City and witnessed the extremely precarious situations in which they are forced to live. With insufficient access to electricity and water and almost no access to sanitation facilities, public transportation and other public services, those families risk being among the estimated 17,000 people who die annually in Mozambique as a result of a lack of basic essential services.[102] This tragic reality highlights the need for the State to ensure adequate housing for all, which would encompass legal security of tenure, affordability, accessibility and availability of services, materials, facilities and infrastructure.[103]

D. Right to social security

67. The social protection system of Mozambique is currently undergoing a process of reform and modernization.[104] In recent years a number of legislative and political measures have been introduced to expand and improve social protection, including approval of a new

[93] A/HRC/WG.6/10/MOZ/2, para.46.
[94] USAID, "Property rights", p. 9.
[95] Ibid.
[96] Hendricks and Meagher, "Women's property rights", p. 4.
[97] Ibid.
[98] Ibid., p. 3.
[99] USAID, "Property rights", p. 5.
[100] Ibid., p. 10
[101] Ibid., p. 5.
[102] A/HRC/WG.6/10/MOZ/2, para. 67.
[103] Committee on Economic, Social and Cultural Rights, general comment No. 4 (1991) on the right to adequate housing, para. 8.
[104] Selvester and others, *Transforming Cash Transfers*, p. 13.

regulatory framework in 2009 and the adoption of the National Strategy for Basic Social Security (ENSSB) in 2010.[105] Both were preceded by the Social Protection Law of 2007 (Law 4/2007) and together provide a comprehensive legal framework for a system offering universal protection. The Strategic Operational Plan of 2011 implements the ENSSB through 2014, providing for a direct cash transfer programme, direct employment in public works programmes and short-term support for vulnerable households.[106]

68. The Special Rapporteur commends the Government's commitment to improving social protection as a means of reducing poverty and welcomes the broad consultation and participation during the national policy dialogue on this issue.[107] She notes however that in order to build on those achievements the reform process must give due consideration to implementation gaps within the current system that have prevented the poorest and most marginalized sectors of society from enjoying their right to social security.

69. One of the greatest challenges facing Mozambique is the small proportion of people covered by social protection policies.[108] In 2010, Mozambique spent 3.7 per cent of its gross domestic product on social protection; overall social protection expenditure in Mozambique is lower than the average of other countries in the region.[109] Social protection insurance is restricted to resident salaried workers, civil servants and military officials and their families. In 2011, only 4.3 per cent of the economically active population benefited from social protection, while only 12 per cent of those over 60 years old were covered by a pension.[110] An overall lack of coordination and fragmentation of the social protection system, as well as gaps in legislation, have resulted in the majority of poor households, including families with children, youths and persons of working age, receiving little or no benefit from the system.[111]

70. Although the cash transfer programme (Programa de Subsídio Social Básico, PSSB) has been rapidly expanded to target extremely poor households in which no adult is able to work, such as those in which the adults are elderly or persons with disabilities, it does not cover all communities within each district or region.[112] Conditions for social protection coverage are not uniform across districts and a determination of eligibility in one district may not be respected in another. Often there is little or no coordination between the National Institute for Social Action (INAS) and community-based organizations (*permanentes*) tasked with assisting in the identification of beneficiaries and informing them of payment dates.[113] Indeed, due to logistical and budgetary constraints, beneficiaries are often informed of payment dates for monthly payments only a day or two in advance, limiting collection possibilities for many households.[114] A general lack of awareness about the procedures and processes often prevents eligible beneficiaries from accessing payments.

71. Although the PSSB is essentially an unconditional cash transfer targeting poor households with no labour capacity, the Special Rapporteur is concerned that it currently provides little or no coverage for persons with disabilities. While 95 per cent of PSSB

[105] Nuno Cunha and others, "Towards a Mozambican social protection floor", ESS Paper No. 41, International Labour Organization (2013), p. 1.
[106] Ibid., p. 1.
[107] Ibid., p. iv.
[108] Miguel Mausse and Nuno Cunha, "Setting up a social protection floor", in *Sharing Innovative Experiences. Volume 18: Successful Social Protection Floor Experiences* (UNDP, 2011), p. 317.
[109] Cunha and others, "Towards a Mozambican Social Protection Floor", p. 15.
[110] Ibid., p. 11.
[111] Ibid., p. 17.
[112] Ibid., p. 23.
[113] Selvester and others, *Transforming Cash Transfers*, p. 23.
[114] Ibid., p. 25

beneficiaries were destitute elderly persons,[115] only 5 per cent of the beneficiary households reached by the system in 2012 included persons with disabilities.[116] One of the reasons for this may be gaps in the referral system whereby health professionals who are responsible for certifying the clinical status of persons with disabilities do not communicate effectively with INAS.[117] There is also insufficient inclusion of the chronically ill and vulnerable children in the system. The programme also reportedly only extends to a subsection of eligible households, while the value of the cash transfers have been eroded by inflation.[118]

72. The Special Rapporteur is concerned about reports of corruption within the system whereby those responsible for targeting (*permanentes* and INAS staff) are often subject to social and political pressure to allow non-eligible households to be admitted to the PSSB programme.[119] A lack of transparency with regard to selection criteria has led to a general lack of understanding as to why some households living in poverty are able to register while others are not. In some cases eligible beneficiaries are reluctant to question irregularities regarding their rights to certain benefits owing to a fear of reprisals from their local community leaders or *permanentes*.[120] Such a situation is unacceptable.

VII. International assistance and cooperation

73. Despite the economic growth in recent years, development partners and donors are still crucial to poverty reduction and equitable growth efforts in Mozambique. In 2012, foreign aid constituted almost 50 per cent of the State budget.[121] While welcoming the substantial efforts of the international community to provide financial and technical assistance to Mozambique in line with their international human rights obligations, the Special Rapporteur calls on the international community to ensure consistency and to implement and guarantee a long-term strategy.

74. When providing assistance for social protection schemes, donors must ensure that their initiatives are well-coordinated, foster more comprehensive coverage, reduce duplication and promote genuine dialogue with the beneficiaries. The Special Rapporteur also underscores that international aid must build political support and country ownership. As Mozambique enters a new era of economic growth, international cooperation will remain crucial, particularly in relation to the enhancement of social policies and further development of the legal and institutional framework for human rights in the country. The Special Rapporteur urges donors to continue to provide the necessary funds to assist with the development of a comprehensive poverty reduction programme.

75. While the Special Rapporteur recognizes that Mozambique has generally enjoyed good relations with its partners and has made effective use of aid,[122] she is concerned by reports that some donors have expressed reluctance to provide aid to the country in future owing to claims of misappropriation of funds and corruption.

[115] Cunha and others, "Towards a Mozambican social protection floor", p. 12.
[116] Selvester and others, *Transforming Cash Transfers: Mozambique*, p. 25.
[117] Ibid., p. 41.
[118] Cunha and others, "Towards a Mozambican social protection floor", p. 13.
[119] Selvester and others, *Transforming Cash Transfers*, p. 39.
[120] Ibid.
[121] Justiça Ambiental and União Nacional de Camponeses, *Lords of the Land: Preliminary Analysis of the Phenomenon of Land Grabbing in Mozambique* (Maputo, 2011), p. 8.
[122] Visser-Valfrey and Umarji, "Sector budget support", p. 28.

VIII. Conclusion and recommendations

76. While the Special Rapporteur recognizes the remarkable achievements made by Mozambique in the fight against poverty in the aftermath of colonial rule and a devastating civil war, considerable challenges remain. Much of the population continues to live in poverty, with a majority of the people struggling to survive in dire conditions. The increasing income gap between the rich and poor, a lack of implementation of legislation and poverty reduction policies and the lingering risk of corruption all pose potential threats to stability.

77. As Mozambique enters a period of economic growth, there is a real and tangible opportunity to eradicate extreme poverty, with great potential for future shared prosperity for everyone. The effective implementation of poverty reduction strategies must be considered as a matter of priority.

78. While the present report includes recommendations in each of its sections, the Special Rapporteur would like to especially urge the Government of Mozambique to take the steps listed below to improve the enjoyment of rights by the poorest sectors of society.

Legal and institutional framework

79. The Special Rapporteur recommends that the Government:

(a) Ratify the International Covenant on Economic, Social and Cultural Rights and its Optional Protocol without delay;

(b) Ensure the proper implementation of existing laws by strengthening monitoring and accountability mechanisms, and ensure that laws currently under revision are in line with international human rights standards;

(c) Ensure that adequate resources are provided to implement the poverty reduction measures outlined in the Poverty Action Reduction Plan;

(d) Revise the definition of discrimination in the Constitution and the Penal Code in line with international human rights instruments in order to prohibit all forms of discrimination, including on the basis of sexual orientation and gender identity, and develop effective mechanisms to provide access to justice and remedies in cases of violation of those rights;

(e) Immediately approve the rules and procedures necessary to ensure that the National Human Rights Commission is a fully functioning and independent body in line with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), with sufficient human and financial resources to carry out its work.

Corruption

80. The Special Rapporteur recommends that the Government:

(a) Strengthen cooperation between the Central Office for Combating Corruption and other law enforcement agencies;

(b) Adopt legislation on access to information and on the protection of whistle-blowers.

Environmental issues, land rights and resettlement

81. The Special Rapporteur recommends that the Government:

(a) Implement the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security;

(b) Ensure that communities affected by resettlement efforts can meaningfully participate in all stages of the resettlement process, including by providing them with information in an accessible and timely manner;

(c) In cases of resettlement, ensure strategic land-use planning and urban planning; guarantee housing and basic services, including access to water and sanitation, education, and health facilities; implement monitoring systems to ensure that human rights principles are respected and the rights of communities upheld; and establish explicit and transparent criteria for compensation;

(d) Ensure transparency, access to information and participation in all decisions regarding the extraction of natural resources; and conduct human rights impact assessments in relation to proposed and existing resource extraction projects;

(e) Promote a national debate around environmental sustainability and establish mechanisms for corporate accountability and remedies, in line with the Guiding Principles on Business and Human Rights.

Women

82. **The Special Rapporteur recommends that the Government:**

(a) Take all measures necessary to eliminate discrimination against women, including gender-based violence, prejudice and harmful traditional practices that undermine women's enjoyment of rights, in line with the obligations assumed by Mozambique under the Convention on the Elimination of All Forms of Discrimination against Women. In that effort, special attention should be paid to vulnerable or marginalized women, such as adolescent girls, women with disabilities, sex workers, HIV-positive women and women living in rural areas;

(b) Strengthen the participation of women in politics, ensuring that all women, including those who live in remote areas, have meaningful opportunities to participate fully in political life;

(c) Review, analyse and modify policies and programmes on poverty reduction to ensure that gender concerns, including the unequal distribution of unpaid care work, are taken into account in effective ways;

(d) Implement campaigns to raise awareness among women of their rights to property and land, particularly in rural areas;

(e) Ensure that all women have access to quality sexual and reproductive health services, including contraception, ensuring that geographical location and inability to pay are never barriers to access, and provide good quality family planning services that include education, counselling and advice, with a particular focus on young women, and rural and poor populations;

(f) Ensure that adequate training and sensitization is provided for law enforcement personnel and members of the judiciary in relation to gender-based violence; and implement measures to increase the prosecution rate of offenders;

(g) Develop a public policy for the protection of victims of gender-based violence, including the provision of more shelters, training of medical staff and better access to justice, together with legal aid and psychological counselling.

Children

83. **The Special Rapporteur recommends that the Government:**

(a) Continue to invest in essential services with the aim of eradicating stunting as part of the national five-year plan;

(b) Take immediate steps to reduce newborn and under-5 mortality, including building the capacity of health workers to provide good quality maternal and newborn health care; improve community-based services and referral systems, particularly in rural areas, and equip health facilities with the necessary supplies and equipment;

(c) Implement the recommendations of the Committee on the Rights of the Child that the traditional practice of early marriage should be abolished as being harmful and that children should be protected from all forms of sexual exploitation and sexual abuse;[123]

(d) Implement measures, including public education and awareness-raising campaigns, to protect children against any form of violence or abuse;

(e) Take immediate steps to implement zero-tolerance measures regarding the sexual abuse of children in schools, ensuring that perpetrators are brought to justice and psychological support is available for victims;

(f) Revise *despacho* 39/GM/2003 in line with the human rights obligations of Mozambique as a matter of priority;

(g) Implement measures to ensure that children from all sections of society are afforded equal opportunities for education; improve the overall quality of education by establishing a national framework for the assessment of learning achievement and by improving teacher training; and ensure that adequate infrastructure is in place in schools, including access to gender-segregated water and sanitation facilities;

(h) Ensure that the State budget reflects a commitment to children's rights by guaranteeing equitable and adequate allocation of resources for the provision of essential services for children such as health care and education.

Older persons

84. **The Special Rapporteur recommends that the Government:**

(a) Take steps to implement effectively the Law on the Promotion and Protection of Older People's Rights of 2013;

(b) Promote income generation activities for older people when possible or ensure the provision of social pensions, especially for women, and integrate older persons into adult literacy programmes;

(c) Ensure that vulnerable older people are aware of their rights to access public services and that a lack of documentation does not prevent them from accessing services;

(d) Ensure that those caring for adults or children living with HIV are provided with appropriate information, skills, equipment, psychosocial support and referrals to other services; and provide access to free medication and health care.

[123] See general comment No. 4 (2003) on adolescent health and development.

Persons with disabilities

85. **The Special Rapporteur recommends that the Government:**

(a) Ensure that national legislation is in line with the obligations of Mozambique under the Convention on the Rights of Persons with Disabilities;

(b) Adopt legislative provisions to ensure that children with disabilities, particularly those living in rural areas, can access inclusive, good quality and free primary and secondary education on an equal basis with others in their communities;

(c) Take appropriate measures to ensure that persons with disabilities have equal access to transportation, information and means of communication; and progressively remove barriers to accessibility from buildings, roads, transportation and other facilities, including schools, medical centres and workplaces, in accordance with article 9 of the Convention on the Rights of Persons with Disabilities;

(d) Improve health services for persons with disabilities, particularly community-based health services;

(e) Implement awareness-raising campaigns at the community level to eliminate discrimination against persons with disabilities, recognizing that they should have full enjoyment of all human rights and fundamental freedoms on an equal basis with everyone else in society.

Right to health

86. **The Special Rapporteur recommends that the Government:**

(a) Ensure that sufficient financial resources are allocated to health services within the national budget;

(b) Implement programmes to improve access to good quality health care in remote areas; ensure that health centres in those regions are well provided with skilled medical personnel, unexpired drugs, hospital equipment, safe and potable water and adequate sanitation; provide gender-sensitive care; and devise incentives to attract well-trained professional staff to rural areas;

(c) Ensure access to adequate sexual and reproductive health care and counselling for women and girls;

(d) Ensure universal and equal access to good quality maternal health care, including post-natal and emergency obstetric services; improve neonatal and nutrition services; and ensure the availability of skilled birth attendants, particularly in rural areas;

(e) Ensure the equitable distribution of trained staff between urban and rural areas and between the private and public sectors; and address inequalities in health-care provision as a matter of priority;

(f) Train health-care providers to ensure non-discrimination against and the right to confidentiality of persons living with HIV/AIDS.

Right to access to justice

87. **The Special Rapporteur recommends that Mozambique:**

(a) Ensure that judicial officials are equipped with adequate resources to provide legal advice to those living in rural areas, including through the introduction of outreach services;

(b) Tackle the capacity constraints of the legal aid centres by allocating sufficient resources to them and ensuring that lawyers are adequately trained and remunerated;

(c) Implement juvenile rehabilitation programmes and child-centred approaches to crime prevention that are aimed at addressing the underlying social causes of youth crime, in accordance with the United Nations Guidelines for the Prevention of Juvenile Delinquency; and ensure that specific pretrial detention facilities are made available for juveniles and are adequately equipped.

Right to adequate housing and access to land

88. **The Special Rapporteur recommends that the Government:**

(a) Ensure that the physical infrastructure required for housing to be considered adequate, including access to water, sanitation and electricity, is in place for all members of society, particularly the most vulnerable;

(b) Implement the provisions of the Land Law of 1997 and take measures to eliminate the sociocultural barriers currently preventing women from exercising their right to land;

(c) Increase awareness of women's inheritance and property rights through public awareness campaigns, in urban and peri-urban areas and in rural communities.

Right to social security

89. **The Special Rapporteur recommends that the Government:**

(a) Work with national and international partners to implement the reforms outlined in the Strategic Operational Plan of 2011, allocating adequate resources for successful implementation;

(b) Improve the identification of eligible beneficiaries and re-evaluate eligibility criteria, to ensure that existing social security schemes reach the poorest and most disadvantaged sectors of society, including those living in rural areas, persons with disabilities, vulnerable children and chronically ill persons; and implement measures to ensure that the targeting of beneficiaries is transparent and that corruption is eradicated at all levels within the system;

(c) Remove all administrative barriers currently limiting the coverage of existing grants, particularly by avoiding unnecessary documentation requirements and simplifying procedures;

(d) Regularly adjust the value of the existing grants according to the inflation rate and regularly review the amount to assess whether it should be raised in real terms;

(e) Consolidate existing social protection schemes, to diminish fragmentation and bureaucratic procedures;

(f) Ensure that cash transfers are complemented by broader poverty alleviation policies, in particular policies aimed at improving access to public services, agricultural productivity and job opportunities;

(g) Work towards progressively implementing a social protection floor for all, as outlined in International Labour Organization recommendation No. 202 (2012).

International assistance and cooperation

90. **The international community should continue to provide assistance to Mozambique, including financial and technical assistance, and support the country's climate change adaptation efforts through increased financial and technical assistance, beyond pre-existing official development assistance commitments;**

91. **The Government of Mozambique should ensure that cooperation with international partners is open and transparent, and implement its zero-tolerance measures to eradicate corruption at all levels.**